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1617

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/768,816
Filing Date	01/23/2001
First Named Inventor	Charbit, Suzy et al.
Group Art Unit	1617
Examiner Name	Mojdeh Bahar
Attorney Docket Number	H7708-002A

Total Number of Pages In This Submission

34

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
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<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Jeffrey I.D. Lewis, Esq. (Reg. No. 35,937) Patterson, Belknap, Webb & Tyler LLP
Signature	
Date	2/4/03

## CERTIFICATE OF MAILING

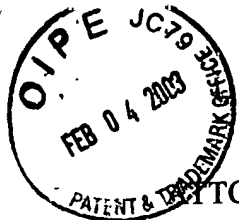
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ATTORNEY DKT NO.: H7708-002A

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Charbit, Suzy, et. al. Group Art: 1617  
U.S. Serial No.: 09/768,816 Examiner: Mojdeh Ghahar  
Filed: 01/23/2001  
Title: TREATMENT OF PATHOLOGICAL CONDITIONS  
CHARACTERIZED BY AN INCREASED IL-1 LEVEL

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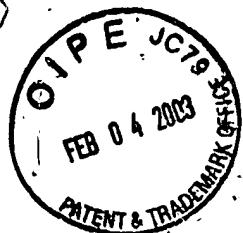
I hereby certify that the following attached papers:

1. Transmittal Form (1 page);
2. Response to Office action mailed December 4, 2002 (32 pages); and,
3. Return Postcard;

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : S. Charbit et al.  
Serial No. : 09/768816  
Filed : 1/23/01  
For : TREATMENT OF PATHOLOGICAL  
CONDITIONS CHARACTERIZED  
BY AN INCREASED IL-1 LEVEL  
Attorney  
Docket No. : H7708-0002  
Examiner : Mojdeh Bahar  
Art Unit : 1617

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Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the Office Action mailed December 4, 2002 (Paper No. 16),

Applicants submit the Remarks below, under the provisions of 37 CFR §1.113.

**STATUS OF THE CLAIMS**

Applicants' terminal disclaimer with respect to co-pending Application No.

09/663528 was deemed sufficient to overcome the provisional double patenting rejection in the Office Action mailed May 7, 2002 (Paper No. 7).

Claims 1-8 and 10-14 were rejected under 35 U.S.C. § 102(e) as being anticipated by DiNapoli WO 01/51044 A2. Claims 1-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Martel-Pelletier et al. in view of Marcolongo et al. and a statement from page 1 of Applicants' specification. Claim 3, as amended by Applicants' March 9, 2001 Preliminary Amendment, stands rejected for not complying with the written description